IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 671 OF 2005

Shri Balasaheb Namdeo Yadav & Ors. ..Applicants.

V/s.

The State of Maharashtra .. Respondent.

Shri A. Y. Sakhare, Sr. Counsel with Varsha Palav for the Applicants.
Shri V. B. Konde -Deshmukh, APP for Respondent- State.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 09,2005.

PC :-

. Heard the learned counsel for the parties. Perused the record.

2. It is seen that the incident in question took place in a peculiar situation. It is stated that theft had taken place in the village and the accused and other residents of the village were patrolling during night time on 9th January, 2005, when the deceased was seen moving in a suspicious manner. The deceased is not from the same village. In this backdrop the deceased was questioned but instead of giving satisfactory answers, the deceased started running from the scene, consequent to which the

villagers reacted and started beating him on the assumption that the deceased was associated with the gang committing thefts in the area. May be the accused persons over- reacted to the situation and assaulted the deceased mercilessly. It is seen that immediately thereafter, an intimation was given to the police station who in turn took away the deceased in the injured condition and subsequently released him. Thereafter, the deceased died on 10th of January, 2005 at his resident. It is stated that the deceased was found in drunken condition. In substance, as the incident has occurred on the spur of the moment and not premeditated and it is possible to suggest that the residents over-reacted to the situation, which was avoidable. It is also conceded that the applicants are presently in judicial custody since January 15, 2005 and have not been interrogated thereafter so far. Taking over all view of the matter, the applicants deserve to be released on bail on the following conditions:-

(a) Applicants are enlarged on bail in connection with C.R.No. 04/2005, registered with Narayangaon Police Station, Dist. Pune on executing personal bond in the sum of Rs. 10,000/- (Rs. Ten thousand only)

each with one or two local sureties in the like amount.

(b) Applicants shall regularly report to the concerned investigating officer, once in a week on Saturday 10 a.m. to 2 p.m. till the chargesheet is filed.

(c) The applicants shall not leave the jurisdiction of the concerned police station without prior intimation to the investigating officer and the trial court.

(d) The Applicants shall extend full co-operation for early disposal of the trial. If the trial court is of the opinion that they are responsible for delay in trial that fact be recorded in the Rozanama, which can be a ground for cancellation of bail.

(e) The Applicants shall not influence the prosecution witness or tamper with the prosecution evidence in any manner whatsoever.

3. Ordered accordingly.

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